

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

COPY

DONNA K. SOUTTER, For Herself and On Behalf of All
Similarly Situated Individuals,

Plaintiffs,

v.

Civil Action Number
3:10cv107

EQUIFAX INFORMATION SERVICES, LLC,

Defendant.

DEPOSITION OF

KEN MITTENDORFF

October 6, 2010

10:00 a.m. - 11:44 a.m.

Richmond, Virginia

JOB NO: 33526

REPORTED BY: GWENDA E. APPLGATE, RPR, CRR

1 the current state of data within the computer systems in
2 our court system as to the current status of judgments
3 as of today?

4 That is, going back, we've asked for data
5 going back for the last decade. Are you aware, is there
6 any other data source that would be more --

7 A Yeah. You could ask for every case.

8 Q Every case.

9 A And then the problem with your request and
10 somewhat what's on the cartridges, we create a job, that
11 creates the abstract of judgment. That's what it was
12 because that's what people wanted. They didn't want the
13 dismissals; okay?

14 Q Right.

15 A Now, this is -- and I don't know how many
16 cases this occurred. It's kind of unusual for a case in
17 the district court to be later dismissed. I don't know
18 how many there are but I don't imagine it happens very
19 often. But the best way to do it would be that we go
20 through, and every court case has a final hearing. It
21 wouldn't matter what happened earlier. You'd get the
22 final hearing. And it's -- and that way you would know
23 for every case, which one should be included and which
24 ones should not. Because even if you got a copy of 00,
25 you would not see a "P" any more in there. You would

1 see an "I." So it was dismissed.

2 But the problem is, no one ever asked us to
3 produce a list of all the dismissals. We got, we got
4 the dispositions that were in the abstract for judgment
5 file and that's what we provided. If somebody said can
6 you run all the dismissals, of course. We can give you
7 whichever way you want to cut it. The problem is,
8 sometimes you have to think about the problem that
9 you're trying to solve.

10 And that's one of the things I said before. I
11 do problem solving. If you tell me the problem, we'll
12 figure out how we could run the job, because somebody
13 else trying to figure out how to run the job is going to
14 probably make some mistakes. Just like the mistake you
15 made. You missed the one that you wanted because you
16 didn't ask for J. You just asked for the dismissals and
17 the other thing. That's why you didn't see the case.
18 It wasn't on your list.

19 Q Talk to my wife. That's the least of my
20 mistakes.

21 A Okay. Anyway, well, it's possible to -- if
22 everybody wanted to fix the problem, we could work to
23 fix the problem.

24 Q Now, is this also true with circuit court data
25 for those circuit courts that report to the supreme